

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JOHN BUTLER,**

**Petitioner,**

**v.**

**CASE NO. 2:05-cv-786**

**JUDGE HOLSCHUH  
MAGISTRATE JUDGE KING**

**ERNIE MOORE, Warden,**

**Respondent.**

**OPINION AND ORDER**

On April 17, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Petitioner objects to all of the Magistrate Judge's recommendations. Petitioner again raises all of the same arguments that were previously presented.

Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of those portions of the *Report and Recommendation* objected to by petitioner. For the reasons discussed at length in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**.

This action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

May 9, 2006

/s/ John D. Holschuh  
JOHN D. HOLSCHUH  
United States District Judge